

DEPARTMENT OF JUSTICE
ROUTING

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DEPARTMENT OF JUSTICE

NAME	BUILDING AND ROOM
1. John Nolan	
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RECEIVED

577

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☐ COMMENT
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☐ NOTE AND RETURN
☐ CALL ME

☐ PER CONVERSATION
☐ AS REQUESTED
☐ NOTE AND FILE
☐ YOUR INFORMATION

REMARKS

30 May

John:

Can we do anything about this?

S/31
Write with Howerney
he is to call back
To Mr. Marshall

BN

FROM NAME	BUILDING, ROOM, EXT.	DATE

WALTER E. MEYER RESEARCH INSTITUTE OF LAW, INC.
187 WALL STREET
NEW HAVEN, CONNECTICUT

Ralph S. Brown, Jr.
Director

June 6, 1963

Hon. Burke Marshall
Department of Justice
Washington, D. C.

Dear Burke:

Can I bother you for your general impression of the scholarly competence of Professor Harry Shapiro of Rutgers? He says he has spent quite a lot of time with you and some of your assistants, in connection with his study of the criminal side of civil rights enforcement. He has applied to the Meyer Institute for a small grant for auxiliary expenses.

You may recall that the Institute, though very much interested in further responsible work in this field, has been hesitant to support people who would not do a first-rate job. It is in this context that I would value your opinion of Shapiro. Of course he is quite far advanced with his work, and I suppose will carry it through whether or not he gets help from us; but I am concerned that the research cream shouldn't be skimmed by second-raters.

With best regards.

Sincerely,

R. S. Brown, Jr.
Ralph S. Brown, Jr.

*AB would
want you give
me more info
B*

4-766
(8-67)

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
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REMARKS

June 12, 1963

Would you give me your views?

BM

FROM	
NAME	BUILDING, ROOM, EXT., DATE

HASTINGS KEITH, M.C.
ONE EIGHTY, SEVEN

WASHINGTON TELEPHONE
CAPITAL 6-8001
ESTABLISHED 1911

Congress of the United States
House of Representatives
Washington, D.C.

COMMITTEE ON
INTERNAL SECURITY AND FOREIGN
RELATIONS

LEGISLATIVE COUNCIL
ONE EIGHTY, SEVEN
WASHINGTON, D.C.

June 15, 1962

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D.C.

Dear Mr. Marshall:

Thank you very much for your letter informing me of your interest and concern with the problems posed by the reverse freedom rider situation.

In accordance with our conversation, I am enclosing a copy of the Thunderbolt.

I appreciate your cooperation in this matter and I hope you will let me know your opinion on the enclosure.

Sincerely,

Hasty Keith
HASTINGS KEITH, M.C.

HK:ND
ENCL.

2-2007

RESIDENCE: TILM 4-0982

JOHN H. WRIGHTEN
ATTORNEY AND COUNSELLOR AT LAW
230 CANNON STREET
CHARLESTON, SOUTH CAROLINA

June 19, 1963

THE WHITE HOUSE

JUN 20 2 26 PM '63

RECEIVED

The President
The White House
Washington 25, D. C.

Mr. President:

" I am sure through the news you have been reading about the Demonstrations in the City of Charleston, South Carolina.

It appears to me unless you use your moral influence to bring this thing to a head, we are headed for trouble. Therefore, I take this opportunity to ask you to use the prestige of the President's Office, and try to see if an amicable solution to this demonstration problem could be suggested and work out by the governing bodies of the City of Charleston.

I am of the opinion if you were to contact the Honorable Mayor J. Falter Gaillard, and advise him to establish a Bi-Racial Committee here in Charleston, something tangible here might be worked out before it is too late.

The Charleston's County Jail is full to its capacity with teen-age Freedom Lovers, and also the Charleston County Prison Farm. I am positive if you were to use the prestige of the office of the President, something tangible in Charleston could be done or worked out immediately. I remain

Respectfully yours,

John H. WRIGHTEN, Executive Secretary
of the Progressive Democrats of
South Carolina

JHW/p

YALE LAW JOURNAL

401A YALE STATION
NEW HAVEN . CONNECTICUT

Office of the
EDITOR-IN-CHIEF

June 19, 1963

Mr. Burke Marshall
Dept. of Justice
Washington, D. C.

Dear Mr. Marshall:

Will you join us in honoring the Journal's business secretary, Miss Marie McMahon? For thirty-eight years---over half the life of the Journal --- "Miss Mac," with her sky smile, infinite forbearance, and sure fingers, has seen this organization through crisis upon crisis. Now she is retiring; we think you will agree that she deserves more of the Journal than the University's standard retirement plan. Therefore, I am writing you and her other editors in the hope that you will be willing to help finance the Journal's tribute to her. I think, as well, that you will enjoy reading the enclosed tribute, which a member of last year's editorial board paid to Miss Mac at her retirement party last week.

Thank you for your assistance.

Sincerely yours,

Peter L. Strauss
Peter L. Strauss
Editor in Chief

P.S.: Please make your check payable to the YALE LAW JOURNAL, should you care to send one.

*Linda -
\$25 -*

TO MISS MARIE McMAHON
Business Secretary, Yale Law Journal
Volumes 35-72

For thirty-eight years - over one-half the life of the Journal - Miss Marie McMahon, with her shy smile, infinite forbearance and sure fingers, has seen this organization through crisis after crisis. She has humored an unending procession of omiscient editorial boards, has weathered the wrath of outraged source-checkers and equally outraged contributors, and has quietly replaced impressionistic spelling, punctuation and form with the wisdom of Noah Webster, the blue book and her own persistent common sense. Her timid inquiry: Could he really have meant to say this? and "What do you suppose this could mean?" has been the gentlest of correctives to continual folly. And to despairing editorial boards faced with the prospect of authors without deadlines and deadlines without authors, Miss Mac's very presence has brought the assurance and consolation of the seer's words, that "this too shall pass."

Of necessity, each Journal Board that worked with Miss Mac came away with its own set of experiences, personal reminiscences and unique recollections. There is no way of bringing all these together here and now. Only Miss Mac can know them all; we and our predecessors can know only the smallest portion. And yet, because to each of us, Miss Mac has seemed like a timeless and constant spirit, it seems somehow as if we can glimpse more and can guess at the essence of what she brought to each board in turn.

We know, for instance, from our own experience and from Dean Bostow's tribute, that Miss Mac must have given to each board the bounty of her magic touch, transmuting linear miles of illegible script into orderly, workable and readable type; that she has ever and again taken our scraps of paper and mutilated pages and through her alchemy transformed them into printer's copy in which we might take genuine and long-recurring pride.

But, even now, we can go beyond this, and from our own meagre experience, can hazard a characterization of what Miss Mac has brought to the Journal for so many decades. Perhaps that contribution is best approached by an experience that Miss Mac must have known several times weekly and indeed daily. A significant part of her day is spent hearing statements like: "I've got to have this right away"; "When is the soonest this can be ready?"; "I promised this to the printer three days ago"; "This has got to go out right away or the author will blow his stack"; "We have to have this ready for a source check tonight"; "The deadline is in two days and only one-third of the copy has gone off to the printer"; "Miss Mac, there are just a few changes I wanted to make before this went off to the printer tomorrow morning"; and on and on the list could read. If Miss Mac has heard such statements once, she has heard them a million times. Urgent, emergency, crisis, due yesterday, top priority, drop everything, the Dean wants, the chief wants, the author wants, I want - all that has rung in her ears for more than thirty years. And she

has lived with this pace - but in doing so, she has done far more than that.

Each of us who has come to her with his all important demands has come to understand the necessity of give and take - but perhaps most important of all, we have learned in some measure from Miss Mac that human beings are not automotons, that mere shouting and harassment will not guarantee performance, and that sensitivity and empathy and humor are needed in every phase of our lives. It has been no small achievement for Miss Mac to din this lesson into our heads. For we are but students and we live in our own small and circumscribed world - a world in which we are, in some sense, kings by virtue of sheer wit and mere quickness. We are wont to rule that world with the arrogance and unseeingness of the baby and the autocrat. Membership on the Journal is from one point of view an invitation to greater blindness, for it seems to be a confirmation of the view that skill and wit alone will carry all before it. And Miss Mac knows as few others know, as an elite, within an elite law school we forget, not in theory perhaps, but in the relentless demands of petty details, that there is no substitute for humanity - and no value more ultimate. For thirty-eight years she has been the constant in this learning experience.

When we first came on Journal or first gave some copy to Miss Mac, most of us assumed that in some way she was a sort of ageless typing machine, infinitely dependable, self-repairing and wondrously efficient. We could not then realize that her own quiet shyness and helpfulness was the beginning of a reproof that helped our growth, not as legal technicians, but as human beings. For each person, the experience and the realization has come by its own unique sequence of events. But for all there was some realization of the self-betraying as well as self-defeating result of treating any human being as simply someone to be used. It is a lesson that a person without Miss Mac's gentleness, quietness, kindness and lack of pettiness could hardly have taught to generation after generation of what one enraged contributor called "arrogant young pups".

If then we could guess from our own experience some of what those who have gone before owe most to Miss Mac, it would be something like this:

Marie McMahon has been for over 30 years a quiet, unobtrusive and infinitely patient co-worker. She has been the center and heart of an operation which seemed purely and solely devoted to turning out volumes of print. Yet, the by-product and perhaps the main product of that enterprise has been turning young men and women into compassionate, tolerant human beings. And in no small measure that process has been initiated and shaped by Miss Mac's quick smile, quiet warmth, shy humor and, on occasion, frank confidence.

Those privileged among us have been regaled by stories of the past, by personal reminiscences, and by uniquely perceptive assessments of past Journal members. For Miss Mac has known us, helped us and remembered us not by our class standing, our intellectual prowess or our aggressive competitiveness. Rather she has known us as we con-

duct ourselves as human beings. And all of us have been judged by her in that respect with great and unceasing charity. In turn, we have striven to be worthy of the gentle warmth which she has so continuously extended.

One final word needs be said - though already too many words have been extended and the tribute still remains woefully inadequate to the subject. That is this:

Miss Mac's counterparts at Harvard, Columbia and other law schools have generally numbered two or three, if not more, full-time secretaries, equipped with electric typewriters, numerous phones and office furniture far beyond anything in Miss Mac's cramped headquarters. Men always have a tendency to look back to the past and say: "That was the era of giants; that was when great men stalked the earth." But we know that today, in its own way, such an era closes for us when one smiling, graying typist, armed with a battered Remington, has held her own - and then some - against the secretarial legions of our automated rivals.

Yet the disparity between the physical equipment and the standard of performance is a small measure of the contribution Miss Mac has made. For she has been a unique part of a unique institution. And in her own way, she has toiled long and succeeded greatly in the task Yale has set for itself of producing a distinctive breed of lawyers.

The Journal attempts to do for its members in concentrated form what this law school attempts to do for all its students: treat them as individuals that they will treasure individuality; treat them as human beings that they will prize humanity; treat them as adults that they will bear responsibility; and forgive them their weaknesses that they will be not overharsh toward the weaknesses of others. Each Journal member has, in some measure, learned these lessons - not only at the hands of his professors - but also, and perhaps most directly, from Miss Mac. And in the final analysis, it is the gentleness and humanity with which Miss Mac has touched our lives that we must value most - and that we will most miss.

Nise.

DEPARTMENT OF JUSTICE

TO

Mr. Synington

June 22, 1962

REMARKS:

- ☐ ATTORNEY GENERAL
 - ☐ EXECUTIVE ASSISTANT
 - ☐ OFFICE OF PUBLIC INFORMATION
- ☐ DEPUTY ATTORNEY GENERAL
 - ☐ EXECUTIVE OFFICE—U. S. ATTORNEYS
 - ☐ EXECUTIVE OFFICE—U. S. MARSHALS
- ☐ SOLICITOR GENERAL
- ☐ ADMINISTRATIVE DIVISION
 - ☐ LIBRARY
- ☐ ANTITRUST DIVISION
- ☐ CIVIL DIVISION
- ☐ CIVIL RIGHTS DIVISION
- ☐ CRIMINAL DIVISION
- ☐ INTERNAL SECURITY DIVISION
- ☐ LANDS DIVISION
- ☐ TAX DIVISION
- ☐ OFFICE OF LEGAL COUNSEL
- ☐ OFFICE OF ALIEN PROPERTY
- ☐ BUREAU OF PRISONS
- ☐ FEDERAL BUREAU OF INVESTIGATION
- ☐ IMMIGRATION AND NATURALIZATION SERVICE
- ☐ PARDON ATTORNEY
- ☐ PAROLE BOARD
- ☐ BOARD OF IMMIGRATION APPEALS
- ☐ ATTENTION: _____

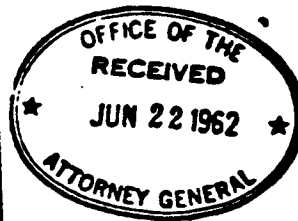
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- ☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
- ☐ PREPARE REPLY FOR THE SIGNATURE OF _____

Jim:

This is the publication I spoke to you about. I got it from Congressman Keith. Please let me know if RPK wants me to do anything.

Burke



FROM _____

5/23

W. Hubbard,
Upon finding
no record of
Kaplan's visit of
5/14/42. I called
Dawson and was
told that there
was no record
further. The
attached file
S

Sub. Caption Department of Justice

CT-17
87-633 Civil Rights Division

FROM: MAIL AND DOCKET ROOM

- 7-8/2-2
- () Assistant Attorney General
 - () First Assistant
 - () Second Assistant
 - () Trial Staff
 - ()
 - () ~~Chief, General Litigation Sec.~~
 - (2) Head, Const. Rts. Unit
 - ()
 - () Chief, Appeals and Research Sec.
 - () Federal Custody Unit
 - ()
 - () Chief, Voting and Election Sec.
 - ()
 - ()

REMARKS:

NO DOCKET CARD

*Mr. Green
Does he belong in
your shop
[Signature]*

Miss

TO		BUILDING AND ROOM
NAME		
1. Mr. Nease <i>No</i>		Mr. Geene
2. Miss Rink <i>no</i>		<i>Hickman</i>
3. Mr. Chappin <i>Pa</i>		<i>2-11-61</i>
4. Mr. Hanger <i>n</i>		
5. Mr. Rubin <i>in</i>		

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REMARKS

Did anyone write the outgoing ltr.?

Bonnie

FROM	BUILDING, ROOM, EXT.	DATE
NAME		

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

CHAMBERS OF
IRVING R. KAUFMAN
CIRCUIT JUDGE
U. S. COURTHOUSE
NEW YORK 1, N. Y.

June 25, 1963

Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
Washington, D.C.

Dear Mr. Marshall:

In view of your deep interest in
the New Rochelle Lincoln School litigation, I
am sending you a copy of the opinion I delivered
from the bench at the conclusion of the hearing
yesterday.

With warm regards,

Sincerely yours,

Irving R. Kaufman

Irving R. Kaufman
United States Circuit Judge

Enclosure

① Dear Judge Kaufman:
Thank you very much
for sending me a copy of your
opinion in the New Rochelle case.
I saw the newspaper accounts
of it, but am glad of the chance
to read it. Very truly yours,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLIE TAYLOR and KEVIN TAYLOR,
minors, by WILBERT TAYLOR and HALLIE
TAYLOR, their parents and next friends,

-and-

MARJORIE WILLIAMS and ROSLYN WILLIAMS,
minors, by RUDOLPH WILLIAMS and
MARJORIE WILLIAMS, their parents and
next friends,

-and-

CHERYL ANN WILLIAMS, a minor, by ULA
WILLIAMS, her mother and next friend,

-and-

LYNN GARLAND, a minor, by THOMAS GARLAND,
her father and next friend,

-and-

BENJAMIN HALL, LONNIE HALL, MICHELE
HALL and VELMA HALL, minors, by
BARBARA HALL, their mother and next friend,

-and-

MARILENE MURPHY, a minor, by WALTER
MURPHY and WILLENE MURPHY, her
parents and next friends,

-and-

For these and all others similarly
situated and who may become parties to
this action,

Plaintiffs

-against-

THE BOARD OF EDUCATION of the CITY
SCHOOL DISTRICT of THE CITY OF NEW ROCHELLE,

-and-

HERBERT C. CLISH, as SUPERINTENDENT OF
SCHOOLS of THE CITY SCHOOL DISTRICT of
THE CITY OF NEW ROCHELLE,

Defendants

60 Civ. 4098

A P P E A R A N C E S :

PAUL ZUBER
Attorney for Plaintiffs

MURRAY C. FUERST
Attorney for Board of Education

ROBERT M. MORGENTHAU
United States Attorney

by **EUGENE R. ANDERSON** and
DAVID R. HYDE

IRVING R. KAUFMAN, C.J. (delivered from the bench):

I have been pleased to hear from Dr. Frank P.

Marino, Chairman of the Board of Education of the City of

New Rochelle, and other members of the Board, as well as

Dr. David C. Salten, Superintendent of Schools, who addressed
the Court this morning.

This is a most gratifying day for this Court, for
in two years we have come full circle from a period in which
national attention was focused upon New Rochelle as a
Northern Community condoning segregation to a period in which

the nation will view New Rochelle as a trailblazer in solving the problem of providing truly equal educational opportunity for all. I want publicly to thank Messrs. Fuerst and Zuber who, as counsel for the respective parties, have performed a great service not only to the community and to this Court, but to the entire nation as well.

In less than ten years, the legal and social complexion of our nation has undergone a dramatic change. The epochal decision of the United States Supreme Court in Brown v. Board of Education, 349 U.S. 294 (1954), has worked a revolution in American race relations. The tempo of that revolution is ever quickening and its reverberations have not been confined to any one part of our nation. Indeed, the President of the United States has recently noted that the problem of equal opportunity regardless of race is "not a sectional problem-- it is nationwide."

The truth of this statement is confirmed by the case history of New Rochelle's Lincoln School integration litigation, the judicial phases of which are, hopefully, drawing to a close. In order that the application now before this Court may be set in context, a brief statement of that

History will be undertaken.

New Rochelle, a suburb of New York City is, as we know, located in southeastern Westchester County. In late 1960, a class action was initiated in this court by several Negro children enrolled in the Lincoln School, a public elementary school operated by the Board of Education of the City of New Rochelle, which was named as one of the defendants. In this action, the plaintiffs charged that Lincoln School, situated in central New Rochelle, then with an enrollment of approximately 94 Negroes, had been deliberately created and maintained by the Board as a racially segregated school in violation of the Fourteenth Amendment to the federal Constitution. After a trial, this Court found, 191 F. Supp. 181 (S.D.N.Y. 1961), that the school board, in 1930, had gerrymandered the district in which the Lincoln

School was located in order that a large portion of its white students would be excluded and permitted to attend the nearby Webster and Mayflower schools; that within the four years following, the boundaries of the Lincoln district were manipulated so as to incorporate the ever-increasing Negro population; that until 1949, the Board assured the continuance of Lincoln School as a Negro school by permitting white students resident within the district to transfer to schools outside the district; and that after 1949, when further transfers were forbidden, the school board did nothing to alter the status quo or to ameliorate the serious racial imbalance in the Lincoln School which it had caused to be brought about.

It followed, therefore, that this Court was constrained to find that the deliberate efforts to maintain the Lincoln School as a segregated educational institution

worked a deprivation of the equal protection of the laws constitutionally proscribed by the Fourteenth Amendment as interpreted by the Supreme Court in Brown v. Board of Education, supra. As I noted at that time, "The conduct of responsible school officials has operated to deny to Negro children the opportunities for a full and meaningful educational experience guaranteed to them by the Fourteenth Amendment." 191 F. Supp. at 182-93.

In order to cure this social illness, this Court directed the Board to present a plan to remedy the illegality. The Board proposed such a plan which, with considerable modification, was adopted as the decree of the Court, in May 1961. 195 F. Supp. 231 (S.D.N.Y. 1961). In essence, the decree provided for a completely optional transfer of all Lincoln students to any schools having sufficient

room to receive them without the imposition of any requirements for minimal academic achievement or emotional adjustment. Further provisions were incorporated in order fully to effectuate the spirit of the optional transfer plan; but, the decree provided that the Board was under no obligation to furnish transportation to pupils transferring under the terms of the decree. The decree concluded with the provision that "The Court shall retain jurisdiction over this case to assure full compliance with this decree." This Court, then, is still seized of jurisdiction over this case and over the administration of the terms of the decree.

I now have before me an application by the present School Board -- whose composition is substantially different from that of the Board at the time of the original decree -- seeking certain amendments and modifications of that decree.

It is clear that this application has been precipitated by the changing circumstances in New Rochelle which have followed upon the Board's efforts to comply with this Court's order. On the date of the commencement of this litigation, Lincoln School had an enrollment of 483 students, of whom 454, or 94%, were Negro. As a result of the transfer of Lincoln students to the city's eleven other elementary schools, the percentage of Negro students dropped immediately ~~to approximately 89%.~~ to approximately 89%. A year and a half later, in April 1963, the entire student population at Lincoln School was less than half what it was when this Court entered its decree; only 210 pupils had chosen to remain enrolled at this antiquated school, constructed 65 years ago.

The economic and social impact of this mass

exodus has been perceptively analyzed and extrapolated by the present forward-looking School Board. The operation of Lincoln School has become economically unfeasible due to the greatly diminished size of the student body; as of April of this year, although the average annual per capita cost of education in all the New Rochelle elementary schools was approximately \$977.00 per student, the cost of educating a student at Lincoln was somewhat more than \$1,057.00.

As the student body will continue to decrease, the cost per Lincoln School student will increase. It has become obvious to the present Board that the Lincoln School must be closed and permanently shut down.

But more at the heart of this proceeding is the School Board's fear -- grounded in a sincere desire to conform not only with the letter but with the spirit of

1

this Court's decree -- a fear that the continuation of the plan of free optional transfer, pursuant to the terms of the decree, will result in an unbalanced racial population in schools adjacent to the Lincoln district. The Board in effect urges that strict compliance with the original decree, now that Lincoln School is being closed down, will pose a serious threat of de facto racial segregation in those contiguous schools, if the remaining students at Lincoln are permitted to exercise a free choice of school to be attended.

The School Board and its enlightened Superintendent of Schools, Dr. David C. Salten, a nationally recognized educator -- after holding two public hearings in May of this year, at which 1300 and 900 citizens, respectively, were in attendance and 98 speakers heard; after attending many

meetings of FTA groups, and civic and neighborhood
associations; and after consulting with experts in the
field and with those representing the interests of the
Negro population of the Lincoln district -- therefore
asks this Court to amend

and modify the letter of the decree in order that its spirit may best be perpetuated.

In my original opinion in this litigation, I expressed my sincere belief in the proposition that the desegregation problem in the Lincoln district could be solved by "men of good will, wisdom and ingenuity."

191 F. Supp. at 193. It is gratifying that, among the membership of the present School Board, Few Rochelle has found such men. It is obvious that these are men of heart and of broad vision. They have taken a most commendable and farsighted step in projecting the philosophy which underlay the original decree -- and by their action will minimize or perhaps avoid the problem, plaguing so many other communities, of racial imbalance in their system of education. This reaffirmation of respect/ ^{for man and law}

is gratifying and timely, for it is an antidote to those familiar instances where federal court decrees have been flaunted by high officials sworn to uphold the law.

Obstruction, delay, and unrest have characterized much of our national struggle against educational and racial inequality. But this small Northern community -- whose population, composed of various races and religions, might represent our nation in microcosm -- has provided this nation with an example and a model of sound public leadership.

Indeed, the immediate and energetic effort of the School Board to comply with this Court's mandate might well be viewed as a precursor of the widely-acclaimed position taken only last week by James E. Allen, Jr., Commissioner of Education for the State of New York.

The President of the United States, a few short

days ago, registered a plea for an end to racial strife, mass picketing and protest meetings which almost inevitably trigger violence. He urged that the forum for solving the racial question be shifted from the streets to the courts. Certainly, that is the first step. But, as I noted in my original opinion: "Litigation is an unsatisfactory way to resolve issues such as have been presented here. It is costly, time consuming -- causing further delays in the implementation of constitutional rights -- and further inflames the emotions of the partisans." 191 F. Supp. at 197. In short, our legal system can only go so far in inculcating morality. Today, in light of the School Board's appearance before this Court, I feel even more strongly that the task of securing full equality of educational opportunity among the races is best achieved

not by a court which is ill-equipped to control the day-to-day problems of educational policy, but by private citizens, men of good will, prepared to act affirmatively in pursuance of our basic law and with a devotion to community betterment.

Thus, in the instant case, the New Rochelle School Board has taken the initiative and, after investigation and consultation, has proposed several modifications in the May 1961 decree of this Court.

With the closing of the Lincoln School and the accompanying need for enlightened placement of the students living within the Lincoln district, the Board proposes to provide bus transportation to these students on a basis identical to that provided throughout New Rochelle-- that is, transportation to any school destination within 1-1/2 and

10 miles of the student's home. As the School Board has stated in its report on its proposed plan to the citizens of New Rochelle: "Transportation will be ^a a key factor in our efforts to maintain an ethnic balance in our elementary schools and to prevent the emergence of segregated schools." This report further states:

Any solution for the problems at Lincoln must be resolved on the basis of what is good for the school system and the community as a whole. Closing the school and transporting its students to outlying areas fulfills this criterion because it avoids tipping contiguous schools and enables students in outlying as well as in the central schools to attend an integrated school.

I have been advised that the additional cost to each of the residents of New Rochelle once the benefits of bus transportation are extended to the students in question will be insignificant. It must also be noted that, pursuant to state law, 90% of the transportation costs incurred in the

City of New Rochelle will be borne by New York State in the 1963-64 and successive school years, and only 10% by the city. In short, the burdens resulting from the implementation of the proposed transportation plan are infinitesimal when compared to its benefits.

I am convinced that the closing of Lincoln School, conjoined with free bus transportation for former pupils there to other schools within the city will have a salutary influence in securing true equality of educational opportunity for all parties before this Court. This proposed modification, which would eliminate paragraph 7 of the original order decreeing that Lincoln transferees were to provide their own transportation, is therefore adopted by this Court.

The more fundamental modification of the decree

proposed by the School Board is the deletion of paragraphs 1 and 2 which deal with the optional transfer plan and the substitution thereof of a provision designed to permit the Board to assign students residing within the Lincoln district where necessary to secure or maintain racial balance within the elementary school system. Such a provision would repose in the Board discretion in the assignment of pupils in order best to effectuate the principles announced in the original opinion of this Court. Viewing this proposed modification in light of the School Board's demonstrated genuine support for those principles, this Court has decided to so modify its decree. Compliance therewith will be ensured, if ever necessary, by this Court's continued retention of jurisdiction over the case, in pursuance to the final

paragraph of the decree and to the general principles of equity.

The decree is modified as provided for in the amended decree entered this day.

And so, as the Board in its "Comprehensive Plan for Educational Excellence -- A Report to all Citizens of New Rochelle," dated May 14, 1963 stated: "... the eyes of the entire nation are fixed upon our community and its schools. Our special difficulties have received national attention . . ." The nation will now observe how men of compassion and foresight have faced up to the racial problem of their community and with courage undertaken the task of solving it.

June 24, 1963

IRVING R. KAUFMAN
United States Circuit Judge

TENNESSEE VALLEY AUTHORITY
 KNOXVILLE, TENNESSEE
 405 New Sprankle Building

OFFICE OF THE BOARD OF DIRECTORS

June 26, 1963

The Honorable Burke Marshall
 Assistant Attorney General
 Department of Justice
 Washington 25, D. C.

Dear Burke:

Perhaps you will be interested in some of my personal contacts with the man charged in the murder of Medgar Evers.

Several years ago De La (Delay) Beckworth came to my office in Greenwood to ask, in general, why the world was in the hands of the Communists.

"Let me know if I can kill a nigger for you," were his parting words.

De La is a product of all right-wing, racist organizations. He was district treasurer of the Sons of the American Revolution for several years and active in their affairs. He was an associate of the local John Birch leaders. His well known, outspoken talk about Negroes brought him attention and prominence. He occasionally embarrassed the Citizens Council leaders, but they regularly used him as a promoter and agitator.


A few years ago De La sent me a letter he had written to President Eisenhower, abusively protesting the integration of the Armed Forces. I sent it back to him, but he later got it published in one of the local papers. He was a frequent letter-writer to the Memphis Commercial Appeal and the Jackson paper.

Last spring during my campaign Beckworth was the only person in Greenwood who had a Whitten sticker on his car, until the last few days before the primary. He was an active field worker in the Whitten campaign, distributing the various unsigned attacks on my record.

Because of his family background, and acceptance in the local community, I think he should not be written off as an isolated fanatic. There are others like him all around.

Cordially,

Dear Frank:
Thank you for the note on your
former commitment. You have some
remarkable ones. It is going to cover
a great deal of turmoil of this one is not brought
to justice. Sent my love


 Frank E. Smith

I Misc.

June 27, 1963

Joey Adams, President
American Guild of Variety
Artists
351 Fifth Avenue
New York 16, New York

Dear Mr. Adams:

The Attorney General asked me to reply to your letter on the AGVA resolution. I am sorry that the press of events has delayed a response.

The resolution is an act of public responsibility. Your support is greatly appreciated. I believe that it will have an important national effect.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

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Misc.

June 27, 1963

Honorable Irving R. Kaufman
United States Circuit Judge
U.S. Court of Appeals for the
Second Circuit
New York 7, New York

Dear Judge Kaufman:

Thank you very much for sending me a
copy of your opinion in the New Rochelle
case. I saw the newspaper accounts of it,
but am glad of the chance to read it.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLIE TAYLOR and KEVIN TAYLOR,
minors, by WILBERT TAYLOR and HALLIE
TAYLOR, their parents and next friends,

-and-

MARJORIE WILLIAMS and ROSLYN WILLIAMS,
minors, by RUDOLPH WILLIAMS and
MARJORIE WILLIAMS, their parents and
next friends,

-and-

CHERYL ANN WILLIAMS, a minor, by LILA
WILLIAMS, her mother and next friend,

-and-

LYNN GARLAND, a minor, by THOMAS GARLAND,
her father and next friend,

-and-

BENJAMIN HALL, LONNIE HALL, MICHELLE
HALL and FELMA HALL, minors, by
BARBARA HALL, their mother and next friend,

-and-

MARILENE MURPHY, a minor, by WALTER
MURPHY and WILLENE MURPHY, her
parents and next friends,

-and-

For these and all others similarly
situated and who may become parties to
this action,

Plaintiffs

-against-

THE BOARD OF EDUCATION of the CITY
SCHOOL DISTRICT of THE CITY OF NEW ROCHELLE,

-and-

HERBERT C. CLISH, as SUPERINTENDENT OF
SCHOOLS of THE CITY SCHOOL DISTRICT of
THE CITY OF NEW ROCHELLE,

Defendants

60 Civ. 4098

Meie.

June 22, 1963

Honorable Frank E. Smith, Director
Tennessee Valley Authority
Knoxville, Tennessee

Dear Frank:

Thank you for the note on your former
constituent. You have some remarkable
ones. It is going to cause a great deal
of turmoil if this one is not brought to
justice.

Best regards,

Burke Marshall